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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: John L. Cartier  
Serial No: 09/772,172  
Filed: January 29, 2001  
For: ICE BREAKER MAT

Examiner: Victor S. Chang  
Art Unit: 1771  
Confirm No: 9721

**RULE 132 DECLARATION**

John L. Cartier of Bradford, Massachusetts, states:

1. I am the inventor of the invention described and claimed in the above identified application and founder and President of J.L.C. Enterprises, Inc. which has commercialized the invention. I practiced formerly as an accountant and retired from that profession and have been working (through J.L.C.) on the claimed invention of the above application since before filing the application, and continuously thereafter. In doing so, I have learned of the relevant marketplace, state of the art and level of skill therein.
2. This declaration supplements my submission of commercial success information provided previously in my declaration of November 19, 2003.
3. J.L.C. has sold some \$900,000 worth of ice breaker mat embodiments of the presently claimed invention. I have also developed a variant of it for walkways and other general walking areas and begun to make and sell those. Attached as Appendix A hereto is J.L.C.'s sales of the ice breaker mat covering the period January 1, 2000, through June 22, 2004. J.L.C. came to the process of commercialization with no engineers and limited sales assistance, minimal capital and gaps of needed experience in sales and manufacture. The commercial success of the inventive mats has, thus, been largely been the result of "word of mouth" sales relating to the merits of the invention. We have recently been selected by large retail chain Grossman's to provide the ice breaker mats for sale in its stores, and we are well on are way to \$500,000 in sales for the year 2004 alone.

4. J.L.C. representative/distributors and I have experienced ready acceptance and a strong favorable response of consumers and users.

5. The ice breaking function of my invention depends on resilience that I have achieved with 1/4" thick styrofoam and other thicknesses and composition/density are easily determined upon reading of the present application. The cited references teach multi-layered laminates for providing a floor covering having comfort and anti-skid ~~function as compared to the core/cover configuration of the present invention. I renew my comments made previously that the assertions of the instant Office action are~~ optimizing the devices taught in the cited references or a combination thereof is no more than an obvious-to-try conjecture based on my disclosure of my invention.

6. It is also relevant to note that after many sales of the product of the invention and close attention to market feedback, I know no instance of failure of the invention to serve its purpose or of dissatisfaction by any end user consumers.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

6/28/04

By:

  
John L. Cartier

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Account/MSD

J. L. C. ENTERPRISES, INC.,  
January 1, 2000 through June 22, 2004

Jan 1, '00 - Jun 22, 04

|                                 |                   |
|---------------------------------|-------------------|
| ALLIANCE INDUSTRIAL SALES       | 81.75             |
| AMES DEPT. STORES, INC.         | 89,280.00         |
| ANN MORRIS ENTERPRISES INC.     | 249.12            |
| ARTHUR'S SERVISTAR HDWE. STORE  | 354.00            |
| ASHMONT DISCOUNT STORES         | 169.92            |
| ASHMONT DISCT. HOME CENTERS     | 169.92            |
| BIG Y FOODS, INC.               | 2,100.00          |
| BJ'S WHOLESALE CLUB, INC.       | 30,285.00         |
| BROOKSTONE                      | 4,492.88          |
| CONSUMER AUTO PARTS/WHSE        | 3,254.00          |
| CRESSY'S DEPT. STORE            | 1,392.00          |
| DOWNEAST WHOLESALEERS, INC.     | 1,019.52          |
| DR. LEONARD'S                   | 4,283.54          |
| GL2                             | 1,282.21          |
| HANNAFORD BROS. CO.             | 22,084.32         |
| HOME TRENDS                     | 23,191.83         |
| IC STOCK JAPAN, INC.            | 992.00            |
| IMPERIAL DIST. INC.             | 25,605.00         |
| IMPROVEMENTS                    | 19,602.71         |
| JOHN ZYLA, INC.                 | 1,908.00          |
| KMART                           | 17,506.56         |
| LB INTERNATIONAL, INC.          | 7,580.00          |
| LTD COMMODITIES, INC.           | 1,584.00          |
| MALL OF NEW HAMPSHIRE           | 3,585.25          |
| MASS. C.O.A. #                  | 3,884.80          |
| MCGUCKIN HARDWARE, INC.         | 412.28            |
| MILES KIMBALL CO.               | 5,049.60          |
| MISC. CASH SALE                 | 2,877.95          |
| NEW PIG CORPORATION             | 1,014.43          |
| NORTHWOOD HOME CENTER           | 35.31             |
| PLOW & HEARTH, INC.             | 5,784.00          |
| PRACTICA                        | 21,133.88         |
| PRESTIGE, INC.                  | 78.00             |
| QVC, INC.                       | 23,168.00         |
| RUNCO                           | 213.12            |
| SOLUTIONS-NORM THOMPSON         | 6,192.00          |
| SPAG'S SUPPLY, INC.             | 848.80            |
| SPORTY'S                        | 1,234.63          |
| STANDARD HARDWARE DISTRIBUTORS  | 5,221.18          |
| STARCREST PRODUCTS OF CA, INC.  | 195,435.00        |
| STRACOMA INC.                   | 259,695.80        |
| TAYLOR GIFTS, INC.              | 4,956.80          |
| THE KLEEN IT SHOPPE, INC.       | 398.11            |
| THE MAT KING                    | 17,811.38         |
| THE PLOW & HEARTH               | 22.43             |
| THE VERMONT COUNTRY STORE, INC. | 64,658.15         |
| VIP DISCOUNT AUTO CENTER        | 10,200.00         |
| WALTER DRAKE                    | 5,607.80          |
| WORLD AUTO SUPPLY-BEDFORD       | 608.32            |
| YANKEE WAREHOUSE                | 1,359.00          |
| <b>TOTAL</b>                    | <b>800,724.36</b> |